

REMARKS:

Claims 1, 4-8 and 11 are presented for examination, with claims 1 and 8 having been amended hereby and claims 2, 3, 9 and 10 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the objection to the specification as lacking a summary of the invention.

In this regard, it is respectfully submitted that the U.S. Patent Rules and Regulations do not require that the specification include a “summary of the invention”. If the Examiner disagrees, the undersigned respectfully requests that a citation to the relevant portion of 35 U.S.C. and/or 37 C.F.R. be provided.

Thus, since it is believed that the specification meets all of the requirements of the U.S. Patent Rules and Regulations, it is respectfully submitted that the objection to the specification as lacking a summary of the invention has been overcome.

Reconsideration is respectfully requested of the objection to claim 1 due to the informality noted in paragraph 3 of the April 12, 2004 Office Action.

In this regard, claim 1 has been amended as suggested by the Examiner to recite “the at least one rib”.

Thus, it is respectfully submitted that the objection to claim 1 has been overcome.

Reconsideration is respectfully requested of the rejection of claims 1 and 4-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,264,323 (“Chao ‘323”).

It is respectfully submitted that applicant does not necessarily concur with the Examiner in the Examiner’s analysis of the claims of the present application and the Chao ‘323 disclosure. For example, each of independent claims 1 and 8 (even before amendment hereby) recites that essentially no bending force is generated to either the upper clamping plate or the lower clamping plate until a rib is inserted into the retainer (it is believed that this feature is not explicitly shown or suggested by Chao ‘323).

Nevertheless, in order to expedite prosecution of the application, independent claims 1 and 8 have been amended hereby to more particularly point out the features of the invention directed to: (a) the upper clamping plate having a first inclined face formed on an inner face of the upper clamping plate and the lower clamping plate having a second inclined face formed on an inner face of the lower clamping plate to correspond to the inclined face of the upper clamping plate, thereby defining an enlarged space; and (b) the second bridge having two truncated corners respectively formed on opposite top and bottom faces of the second bridge to correspond to the space defined between the upper clamping plate and the lower clamping plate.

Again, it is believed that these features, as claimed, are neither shown nor suggested by Chao '323 (in fact, this is explicitly acknowledged by the Examiner in paragraph 6 of the April 12, 2004 Office Action, where the Examiner states that the claimed invention "is taught by Chao as discussed above, except for the upper and lower clamping plates including inclined faces and the bridges including the truncated corners").

Accordingly, it is respectfully submitted that the rejection of claims 1 and 4-8 under 35 U.S.C. 103(a) as being unpatentable over Chao '323 has been overcome.

In addition, it is noted that some of the structure now recited in independent claims 1 and 8 had previously been recited in dependent claims 2, 3, 9 and 10, which claims had been rejected by the Examiner in paragraph 6 of the April 12, 2004 Office Action in view of Chao '323 and in further view of U.S. Patent 5,335,025 ("Wang").

More particularly, the Examiner cited Wang as supposedly showing the inclined faces and truncated corners not shown by Chao '323.

In this regard, it is noted that the "flexgrip 11" of Wang (which the undersigned assumes is the element being relied upon as supposedly showing "truncated corners") is provided for the purpose of pivotal attaching the second pair of eyeglasses 2 or the sunshade 3 to the eyeglass frame 1. It is understood that such pivotal attachment is made possible by the "flexgrip 11" being in the shape of a shaft (*See*, e.g., the Abstract, which states that "[b]y pressing the first pair of catches onto the respective flexgrips, the sunglass lenses are pivotally attached thereto." *See*, also, col. 2, lines 5-7, which state that "[e]ach flexgrip 11 is defined by a shaft extending substantially parallel to the longitudinal extension of the eyeglass frame 1...").

Thus, the combination of Wang with Chao '323 would result in a system in which the

separate eyeglasses were mounted in a pivoting relationship.

This is in marked contrast to the presently claimed configuration in which the second bridge is held in a substantially non-pivoting relationship to the first bridge due at least in part to the second bridge being sufficiently wide such that at least a forward portion of the second bridge enters the space between the upper clamping plate and the lower clamping plate when the rib(s) and restricting groove(s) cooperate.

Of note, it is respectfully submitted that any assertion to the effect that the “flexgrip” of Wang be combined with Chao ‘323 in such a fashion as to result in a non-pivoting relationship would be to disregard the intended function of such “flexgrip” and to utilize impermissible hindsight to re-construct the claimed invention.

Reconsideration is respectfully requested of the rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Chao ‘323 in view of Wang (the cancellation of claims 2, 3, 9 and 10 renders their rejection moot).

In this regard, it is noted that claim 11 depends from independent claim 8. As discussed above, it is respectfully submitted that independent claim 8 is patentably distinct over the cited references. Thus, it is respectfully submitted that claim 11 is likewise patentably distinct for at least the same reasons as the claim from which it depends.

Accordingly, it is respectfully submitted that the rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Chao ‘323 in view of Wang has been overcome.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

More particularly, support for the amendments to claim 1 is found in claims 1, 2 and 3, as filed; at page 4, line 12 to page 6, line 4; in Figs. 2-7; and throughout the specification.

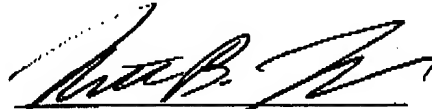
Further, support for the amendments to claim 8 is found in claims 8, 9 and 10, as filed; at page 6, line 5 to page 7, line 19; in Figs. 8 and 9; and throughout the specification.

Accordingly, it is respectfully submitted that each objection and rejection raised by the Examiner in the April 12, 2004 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Respectfully submitted,
GREENBERG TRAURIG

Dated: July 8, 2004

By:



Matthew B. Tropper
Registration No. 37,457

Mailing Address:
GREENBERG TRAURIG
885 Third Avenue
New York, New York 10022
(212) 801-2100
Facsimile: (212) 688-2449